

REMARKS

The Examiner has objected to the disclosure because of an error in conversion on page 4, line 10 and because of no upper or lower boundary in the range set forth on page 4, line 15. It is believed that both of those objections have been over come.

The Examiner has objected to claims 4, 5 and 11 and has rejected claims 1 – 13 under 35 U.S.C. §112, second paragraph, as being indefinite. It is believed that the amendments to the claims has overcome the rejection and the rejection under 35 U.S.C. §112.

The Examiner has rejected claims 1 – 8 and 10 – 13 under 35 U.S.C. §103(a) as being unpatentable over Hayata (USP 4,691,431).

Initially it should be noted that independent claim 1 clearly sets forth the feature of machining one or more discrete regions of the plates to shallow depths, with such one discrete region of shell depth extending from the inner radius of the plate part way toward the outer radius. When two or more of such plates are stacked together, these shallow depth machined discrete regions cooperate with the adjoining plate to form a first gap extending outwardly from the inner radius toward the outer radius a portion of the distance to such outer radius. Second gaps having a depth and width greater than the first gaps are aligned with and extend from the first gaps to the outer radius of the plates to form vent passages which

extend from the first gaps to the outer radius of the plates.

Hayata admittedly has a plurality of piled up lamina 2 with a plurality of narrow grooves 3 on one or both planes of the lamina 2, which narrow grooves function as vent holes for venting gas when the vulcanization of a tire is carried on. The grooves 3 of Hayata communicate with a notch 4 of the lamina 2 for positioning purposes. (See column 2, lines 52 – 60.) However, there is no indication that the grooves 3 of the lamina 2 have a small size in one area such as the area adjacent the inner radius and a larger size in an area extending from such small size to the outer radius of the plates. Second gaps which the Examiner refers to as "vent groove, item 18 and vent holes item 19" on page 7 of the Office Action are not items of the lamina but rather are vent holes in the shell 14. (See column 3, lines 25 – 30.)

It is respectfully submitted that there is no teaching or suggestion in Hayata whether taken alone or in combination the other references which teaches or suggests the feature set forth in claims 1, 11 and 21 and those claims dependent thereon, of the plates having a first shallow depth machined discrete portion extending from the inner radius only part way toward the outer radius and a second gap extending therefrom to the outer radius, wherein the second gap has a depth and width greater than the first gaps.

In view of the foregoing, reconsideration of the application and allowance of

claims 1 – 3, 5 – 13 and 21 – 29 are respectfully solicited.

This will confirm a telephone interview between the undersigned and Examiner Jacob T. Minskey on May 14, 2009. The interview was solely to obtain clarification for the rejection under 35 U.S.C. §112. During the interview the Examiner suggested removing the “range” from claim 1, line 11 and from other claims utilizing such term. Examiner Minskey indicated that such deletion of the term “range” would overcome the rejection of 35 U.S.C. §112. The comments of Examiner Minskey are greatly appreciated.

The Office Action was mailed to the previously engaged firm of Faye, Sharpe LLP. Forwarded herewith is a copy of the Power of Attorney for the firm of Emch, Schaffer, Schaub & Porcello Co., L.P.A. (customer number 20879) and executed on October 8, 2008, by Jack J. McCracken, Assistant Secretary, Cooper Tire & Rubber Company, the assignee of record. Please transmit future Office Actions to the undersigned at Emch, Schaffer, Schaub & Porcello, Co., L.P.A.

Respectfully submitted,

EMCH, SCHAFFER, SCHAUB
& PORCELLO CO., L.P.A.



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